

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
VS.) CRIMINAL NO.: 98-05 Erie
)
MARCRESSE MCCOY,)
)
DEFENDANT.)

MOTION TO REINSTATE BOND

AND NOW, comes the Defendant, MARCRESSE MCCOY, by counsel, BRUCE A. ANTKOWIAK, ESQUIRE, and respectfully requests that this Honorable Court reinstate the Defendant's bond. In support thereof, the following is averred:

1. The Defendant originally appeared at a detention hearing in connection with this matter on March 23, 1998, and was released at that time on an appearance bond permitting the Defendant to return to his home in Detroit, Michigan pending the outcome of his trial. Thereafter the Defendant made all court appearances and abided by all conditions of his pre-trial release while on bond awaiting trial. On November 3, 1998, a jury retuned a verdict of guilty against the Defendant and the Defendant's bond was only then revoked based upon the entry of the verdict of guilty.

2. On February 29, 2000, the Defendant was sentenced to 132 months incarceration and was due to complete the service of this sentence on September 7, 2008.¹

3. On February 2, 2006, this Honorable Court entered an Order granting the Defendant a writ of habeas corpus pursuant to Title 18, United States Code, Section 2255 vacating the judgment of conviction and sentence and Ordering a new trial. Counsel for the government has advised that they have not decided yet whether there will be an appeal of this ruling.

4. In light of this Court's Order vacating the judgment of conviction and sentence and in light of the Defendant's appearance at all proceedings relative to this matter, it is respectfully submitted that the Defendant's bond should be reinstated in this case under the original conditions set by the Court.

WHEREFORE, the Defendant respectfully requests that an Order enter reinstating the Defendant's bond and granting the Defendant's immediate release from the custody of the Bureau of Prisons.

RESPECTFULLY REQUESTED,

s/Bruce Antkowiak
BRUCE A. ANTKOWIAK, ESQUIRE
PA ID NO.: 25506

ATTORNEY FOR THE DEFENDANT

¹ It appears the Defendant would have been eligible for halfway house placement from the judgment of sentence sometime in January, 2007.